S.B.Cr. Misc. Second Interim Bail Application No.4266/2007
(Alim Khan vs. Union of India)

Date of order : September 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.
Mr.N.K.Rai, for respondent Union of India.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

By the instant bail application, the petitioner seeks temporary bail for a period of thirty days on the ground that his wife Smt. Zulekha is suffering from serious heart ailment and is required to undergo operation. Learned counsel for the petitioner has placed on record a certificate dt. 18.7.2007 issued by Dr. Tarun Dave. MD DM AIMS. (Cardio) Interventional Cardiologist, The Gujarat Research and Medical Institute, Rajastha Hospitals, Ahmedabad stating therein that the petitioner's wife is to undergo the operation but could not be operated because of Anemia and Rtrenal Hydronephorsis at that relevant time.

Learned counsel for the petitioner submits that the petitioner may be granted temporary bail for a period of one week so that he can take his wife to concerned hospital and get her operated.

Learned counsel for the respondent Union of India submits that the petitioner is having three major sons and they can take their mother to the hospital and get her treated.

Be that as it may, the petitioner is husband and while granting earlier temporary bail on 3.7.2007, it was noticed that all major sons of the petitioner have been residing separately and they would not care of their ailing mother. The petitioner being husband has prime responsibility to look after his ailing wife. In my view, it would be just and proper, on humanitarian ground, to release the petitioner temporarily for a period of seven days from the date of his release.

Accordingly, the application seeking temporary bail is allowed. Petitioner Alim Khan s/o Mirazman Khan be released on bail in Crime No.04/2006, CBN, Kota for a period of seven days from the date of his release, provided he furnishes a personal bond in a sum of Rs.50,000/- with two sound and solvent sureties in the sum of Rs. 25,000/- to the satisfaction of learned Special Judge, NDPS Cases, Chittorgarh for his surrender on completion of seven days from the date of his release.

(H.R.PANWAR),J.

m.asif/-